

**PB# 98-29**

**NEXTEL COMMUNICATIONS  
SITE PLAN**

**65-1-17**

Approved 11/6/98

Wilson Jones - Carbonless - 1989

DATE August 20, 1998 RECEIPT 98-29  
 RECEIVED FROM Nortel Communications  
 Address North Broadway - White Plains, NY 10601  
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00  
 FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750 -	CASH	
AMOUNT PAID	750 -	CHECK	#245001973
BALANCE DUE	-0 -	MONEY ORDER	

BY P. Zappalo  
Mary Mason, Secretary

Wilson Jones - Carbonless - 1989

DATE Aug. 20, 1998 RECEIPT 065518  
 RECEIVED FROM NEXTEL  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.B. #98-29

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	OK #245001974
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

BY Town Clerk  
Dorothy H. Hansen

Wilson Jones - Carbonless - 1989

DATE October 19, 1998 RECEIPT 065696  
 RECEIVED FROM Tectonic Engineering Corporation  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR Planning Board Approval Fee  
#98-29

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	OK # 13535
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

BY Town Clerk  
Dorothy H. Hansen

AMOUNT PAID	120	CHECK	# 245001973
BALANCE DUE	750 -	MONEY ORDER	

BY S. Zappalo  
Myra Mason, Secretary

DATE Aug. 20, 1998 RECEIPT 065518  
RECEIVED FROM NEXTEL  
Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$100.00  
FOR P.B. # 98-29

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH
AMOUNT PAID	CHECK
BALANCE DUE	MONEY ORDER

Town Clerk  
BY Dorothy H. Hansen

DATE October 19, 1998 RECEIPT 065696  
RECEIVED FROM Tecnic Engineering Corporation  
Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$100.00  
FOR Planning Board Approval Fee  
# 98-29

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH
AMOUNT PAID	CHECK
BALANCE DUE	MONEY ORDER

Town Clerk  
BY Dorothy H. Hansen

9/29/98 Any fees?  
\$81.50

REGULAR ITEMS:

NEXTEL COMMUNICATIONS SITE PLAN (98-29) DEAN HILL ROAD

Judson K. Siebert, Esq. appeared before the board for this proposal.

MR. SIEBERT: Mr. Chairman, members of the planning board, my name is Judson Siebert, I'm an attorney with the law firm of Keane and Beane, P.C. with offices in White Plains, New York. And I'm not here tonight to sue anyone. Instead, I'm here to represent Nextel Communications, which as the Chairman indicated is seeking actually an amendment of an existing site plan approved for Bell Atlantic Mobile for their tower. The amendment we seek is to place an array of antennas on the existing tower and to construct an equipment shelter at the base of the tower to accommodate our own facility at that location. Our antenna array will not be at the height of the tower, but instead at a point approximately 130 feet above ground level. Again, our equipment shelter will be at the base, it's a prefabricated 10 x 20 foot equipment shelter that will require some additional fencing around the area which is presently enclosed at the base of the antenna or at the base of the tower.

MR. PETRO: Mike, excuse me one minute, is this applicant here because of the array that is being put on the structure or are they here because of the 10 x 20 building?

MR. BABCOCK: The 10 x 20 building, Jim, but he's explaining to you why he needs that, that is their equipment building for that antenna.

MR. PETRO: If they were not building the building, would they still be before the planning board for just the array on an existing tower that is going to be lower than the other one?

MR. BABCOCK: Bell Atlantic, Jim, if I'm not mistaken got their approval to put up the tower, there was discussions about that as far as how many antennas they would have up there. Quite honestly, as the town, I

think we feel that we'd rather see more antennas on one tower than towers sprouting up all over town and that is basically what they are trying to do. That, as you know, Cellular One just got an approval to put their antenna on there.

MR. SIEBERT: It's consistent with our philosophy.

MR. PETRO: Where is your building?

MS. ROSSIE: My name is Tammy Rossie. This is the existing Bell Atlantic shelter, this is our proposed 10 x 20 shelter and we're just jutting the fence out four feet expanding the compound just around our shelter here and this is the Cellular One shelter that is presently being put in.

MR. PETRO: Isn't this site far into a piece of property for side yards and setbacks, is that correct?

MR. BABCOCK: Yeah, it is, I would venture to say at least a half mile off the main road.

MS. ROSSIE: If you look at sheet 2, you can get a better perspective of that.

MR. LANDER: It's a ways in. What will you be storing, any chemicals or anything else in this building?

MR. SIEBERT: No, it's equipment.

MR. LANDER: Generators?

MR. LUCAS: Generators were in the other.

MS. ROSSIE: We don't have generators with our shelters, there's a generator receptacle if power goes out, they can bring a generator to the site and plug it in, the only facilities involved with the shelter are electric and telephone.

MR. LUCAS: All underground.

MR. ARGENIO: Is there a stepdown transformer inside or outside associated with the new building?

MS. ROSSIE: There is an existing transformer here, they've already got enough power they'd be pulling off the existing transformer and going underground into our shelter.

MR. LUCAS: It's not increasing the height.

MR. PETRO: Well, I interrupted your presentation, do you want to go further?

MR. SIEBERT: I don't have anything else to add, that's it.

MR. PETRO: We have fire approval on 8/25/98 and highway approval 8/23/98. As far as Mark's comments, let's take a look here briefly, we certainly can do number 2, we can start with that.

MR. STENT: Motion we declare lead agency.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board take lead agency for SEQRA process for Bell Atlantic. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LANDER: Public hearing.

MR. STENT: I don't think we need one on this.

MR. ARGENIO: I agree, Mr. Chairman.

MR. PETRO: Well, and the fact that it is lower than the already existing antenna array, I think it is unnecessary.

MR. STENT: Not making anything any worse.

MR. PETRO: No.

MR. STENT: Make a motion we waive the public hearing.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment 48-19C of the Town Zoning Law. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LUCAS: Is this, as this progresses, this type of technology, will those towers become obsolete, digital and satellite, do you expect that?

MR. SIEBERT: We have someone here who can speak to that.

MR. DOMINICK SCARAMUZZINO: My name is Dominick Scaramuzzino, Radio Frequency Engineer with Nextel. Question was will it become obsolete?

MR. LUCAS: Will those towers eventually become obsolete, I don't know much about this technology, the reason why the attorney and I had been talking about putting like a moratorium on the length of the permits or whatever because what happens they become obsolete, tower just sits there, I mean--

MR. SCARAMUZZINO: We're digital technology and we're really just we're still improving our technology, I don't think any time soon that it's going to be obsolete.



MR. LUCAS: Okay.

MR. PETRO: I always ask this question, there's not any radiation or harmful rays or death rays or anything that come off these towers?

MR. SCARAMUZZINO: No, very low, we operate at a fraction of what the FCC regulates.

MR. STENT: I move that we declare a negative dec on this SEQRA process.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec on the SEQRA process for the Bell Atlantic NYNEX site Plan.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Do you have an agreement in place with the property owner and the applicant?

MR. SIEBERT: Yes, well, there was a proxy statement that was filed with the board prior to this meeting from the property owner.

MR. PETRO: Authorizing you?

MR. SIEBERT: Authorize us to appear, the property owner has in turn leased the site to Bell Atlantic Mobile and there's a portion of that property owner Bell Atlantic lease that was provided to the board as well indicating their rights to sublet which they have on top of that, and as part of their subletting rights, they have given us a license agreement which was provided to the board. We have used space on the

property on the tower within the complex of the base of the tower to put in our installation, just as they did.

MR. PETRO: Any problem with that?

MR. KRIEGER: No.

MR. STENT: Did Andy see it yet?

MR. PETRO: He said there is no problem with it, he has it here, we have a license supplement in front of us.

MR. STENT: I move we grant approval.

MR. LUCAS: Second it.

MR. BABCOCK: Number 2, did you do lead agency?

MR. PETRO: Yes, we did. Is there a motion?

MR. STENT: Make a motion.

MR. LUCAS: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Bell Atlantic site plan amendment off Dean Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
e-mail: mheny@att.net

☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**



**REVIEW NAME:** BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
(ADDITION OF NEXTEL ANTENNAS AND BUILDING)

**PROJECT LOCATION:** OFF DEAN HILL ROAD  
SECTION 65-BLOCK 1-LOT 17

**PROJECT NUMBER:** 98-29

**DATE:** 23 SEPTEMBER 1998

**DESCRIPTION:** THIS APPLICATION INVOLVES AN AMENDMENT TO THE  
PREVIOUSLY APPROVED SITE PLAN FOR THE ADDITION  
OF ANTENNAS TO THE EXISTING TOWER AND AN  
EQUIPMENT BUILDING. THE PLAN WAS REVIEWED ON  
A CONCEPT BASIS ONLY.

1. This application is an amendment to the previously approved plan, with twelve (12) panel antennas being added at a height of 128' (on the 160' tower), and a 10' x 20' equipment building added at the south side of the tower. As part of the work, the fence enclosure will be modified. All proposed improvements will occur within the lease parcel of the original application.

As with the Cellular One co-location application (98-16), this amendment is minor in nature relative to the original application.

2. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
3. The Planning Board should discuss any potential impacts of this site plan amendment, including potential visual impacts from the additional equipment being added to the tower. Following same, the Board may wish to discuss the need for a Public Hearing for this site plan amendment, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
(ADDITION OF NEXTEL ANTENNAS AND BUILDING)  
**PROJECT LOCATION:** OFF DEAN HILL ROAD  
SECTION 65-BLOCK 1-LOT 17  
**PROJECT NUMBER:** 98-29  
**DATE:** 23 SEPTEMBER 1998

4. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
5. The Applicant has submitted copies of Agreements between the property owner, the Applicant and Orange County - Poughkeepsie MSA, LP (Bell Atlantic Nynex). The Planning Board Attorney should verify that proper authorization is in place for this application, as well as rights for access across the easements.
6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:BELLAT2.mk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/09/98

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 98-29

NAME: BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
APPLICANT: NEXTEL COMMUNICATION OF NEW YORK, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/06/98	PLANS STAMPED	APPROVED
09/23/98	P.B. APPEARANCE	LA:ND WVE PH APPROVE
08/19/98	WORK SHOP APPOINTMENT	SUBMIT
08/19/98	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/09/98

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA** ACTIONS

FOR PROJECT NUMBER: 98-29

NAME: BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
APPLICANT: NEXTEL COMMUNICATION OF NEW YORK, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	08/20/98	EAF SUBMITTED	08/20/98	WITH APPLICATION
ORIG	08/20/98	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	08/20/98	LEAD AGENCY DECLARED	09/23/98	TOOK LEAD AGENCY
ORIG	08/20/98	DECLARATION (POS/NEG)	09/23/98	DECL. NEG DEC
ORIG	08/20/98	PUBLIC HEARING	09/23/98	WAIVE PH
ORIG	08/20/98	AGRICULTURAL NOTICES	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/09/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 98-29

NAME: BELL ATLANTIC NYNEX SITE PLAN AMENDMENT

APPLICANT: NEXTEL COMMUNICATION OF NEW YORK, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/02/98	APPROVAL FEE	CHG	100.00		
10/13/98	REC. CK. #13535	PAID		100.00	
			-----	-----	-----
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/23/98

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 98-29

NAME: BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
APPLICANT: NEXTEL COMMUNICATION OF NEW YORK, INC.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/20/98	MUNICIPAL HIGHWAY	08/21/98	APPROVED
ORIG	08/20/98	MUNICIPAL WATER	08/24/98	APPROVED
ORIG	08/20/98	MUNICIPAL SEWER	08/24/98	APPROVED
ORIG	08/20/98	MUNICIPAL FIRE	08/25/98	APPROVED



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/19/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 98-29

NAME: BELL ATLANTIC NYNEX SITE PLAN AMENDMENT  
APPLICANT: NEXTEL COMMUNICATION OF NEW YORK, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/20/98	REC. CK. #245001973	PAID		750.00	
09/23/98	P.B. ATTY. FEE	CHG	35.00		
09/23/98	P.B. MINUTES	CHG	27.00		
10/02/98	P.B. ENGINEER FEE	CHG	81.50		
10/19/98	RET. TO APPLICANT	CHG	606.50		
		TOTAL:	750.00	750.00	0.00

*Gave to L.R. 10/19/98*

RESULTS OF P.B. MEETING OF: Sept 23, 1998

**PROJECT:** Bill & Barbara - Nestle **P.B.#** 98-29

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_\_ N\_\_\_

M) 5 S) 44 VOTE: A 5 N 0

2. TAKE LEAD AGENCY: Y ✓ N   

CARRIED: YES ✓ NO    

M) 5 S) A VOTE: A 5 N 0

CARRIED: YES ✓ NO    

WAIVE PUBLIC HEARING: M) S S) A VOTE: A 5 N 0 WAIVED: Y ✓ N   

SCHEDULE P.H. Y\_\_\_N\_\_\_

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

**APPROVAL:**

M)      S)      VOTE: A      N      APPROVED:                     

M) 5 S) A VOTE: A 5 N 0 APPROVED CONDITIONALLY: 9-23-98

NEED NEW PLANS: Y\_\_\_\_\_ N\_\_\_\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

[illegible]



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 29

DATE PLAN RECEIVED: RECEIVED AUG 20 1998

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
NEXTEL has been  
reviewed by me and is approved ✓,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT      DATE

\_\_\_\_\_  
WATER SUPERINTENDENT      DATE

[Signature] 8.24.98  
SANITARY SUPERINTENDENT      DATE

**INTER-OFFICE MEMORANDUM**

**TO: New Windsor Planning Board**

**FROM: Town Fire Inspector**

**DATE: August 25, 1998**

**SUBJECT: Nextel of New York, Inc. Site Plan**

Planning Board Reference Number: PB-98-29

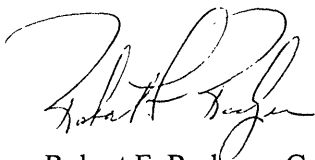
Dated: 20 August 1998

Fire Prevention Reference Number: FPS-98-049

A review of the above referenced subject site plan was conducted on 24 August 1998.

This site plan is acceptable.

Plans Dated: 19 August 1998 Revision 2

A handwritten signature in cursive script, appearing to read 'Robert F. Rodgers'.

Robert F. Rodgers; C.C.A.  
Fire Inspector

RFR/dh



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 29

DATE PLAN RECEIVED: RECEIVED AUG 20 1998

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
Nextel \_\_\_\_\_ has been  
reviewed by me and is approved ☒  
disapproved \_\_\_\_\_.

~~If disapproved, please list reason~~ \_\_\_\_\_

Water is not available as yet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT DATE

John D. D. 8-28-98  
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 29

DATE PLAN RECEIVED: RECEIVED AUG 20 1998

RECEIVED

AUG 21 1998

N.W. HIGHWAY DEPT.

The maps and plans for the Site Approval ☒  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved ☒  
disapproved ☐.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

W. James Sullivan 8/21/98  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF

New Windsor

P/B # 98-29

WORK SESSION DATE: 19 AUG 98

APPLICANT RESUB.  
REQUIRED: Full App

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME:

Nextel

PROJECT STATUS:

NEW

X

OLD

REPRESENTATIVE PRESENT:

Tammy (Technic)

MUNIC REPS PRESENT: BLDG INSP.

FIRE INSP. Dick

ENGINEER X

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Colocate w/ Bell Atlantic cell one  
near Hill Rd.
- new bldg - match to exist
- Coord antenna height/loc (show both on  
(Sprint next) elev)
- add Cell One proposed 98-16
- access - right to use easement.
- match exist fence.
- Make cell Cell One match colocate.

Post Agenda

4MJE91 pbweform



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan ☒ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 65 Block 1 Lot 17

1. Name of Project BELL ATLANTIC NYNEX SITE PLAN AMENDMENT
2. Owner of Record HERBERT & MAJORIE KARTIGANER Phone \_\_\_\_\_  
Address: 575 BLOOMING GROVE TURNPIKE, NEW WINDSOR, NY  
(Street Name & Number) (Post Office) (State) (Zip) 12553
3. Name of Applicant NEXTEL COMMUNICATIONS OF NEW YORK, INC. Phone 448-4368  
Address: ONE NORTH BROADWAY, WHITE PLAINS, NY 10601  
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan TECTONIC ENGINEERING Phone (914) 928-6531  
Address: 615 ROUTE 32, PO BOX 447, HIGHLAND MILLS, NY 10936  
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney Kean & Bean Phone (914) 946 4777  
Address ONE NORTH BROADWAY, WHITE PLAINS, NY 10601  
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:  
RORY WANLISS (914) 448-4368  
(Name) (Phone)
7. Project Location:  
On the NE side of DEAN HILL ROAD 2,400 feet  
(Direction) (Street) (No.)  
NE of DEAN HILL ROAD  
(Direction) (Street)
8. Project Data: Acreage 25.63 Zone R-2 School Dist. NEWBURGH  
CSO

PAGE 1 OF 2

( PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED )

RECEIVED AUG 20 1998

98 - 29



9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) THE ADDITION OF UP TO 12 PANEL ANTENNAS TO A EXISTING COMMUNICATION TOWER + A 10 X 20 PREFABRICATED EQUIPMENT SHELTER AT THE BASE OF THE TOWER

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes X no \_\_\_\_\_

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

20 DAY OF August 1998 Rita M. Fischer  
APPLICANT'S SIGNATURE

Rita M. Fischer  
NOTARY PUBLIC  
RITA M. FISCHER  
Notary Public, State of New York  
Qualified in Orange County  
No. 4627551  
Commission Expires Jan. 31, 1999  
ROSE E WANKISS for NEXTEL COMMUN. CO.  
Please Print Applicant's Name as Signed

\*\*\*\*\*  
U.S. POSTAL SERVICE ONLY: Monroe, NY 10950

RECEIVED AUG 20 1998

DATE APPLICATION RECEIVED

98 - 29

APPLICATION NUMBER

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

Herbert L. & ~~Marjorie~~ N. Kartiganer, deposes and says that he resides  
(OWNER)

at 3928 Live Oak Blvd, Delray Bch, FL 33445 in the County of PALM BEACH  
(OWNER'S ADDRESS)

and State of Florida and that he is the **GENERAL PARTNER OF OWNER** owner of property tax map

(Sec. 65 Block 1 Lot 17)  
designation number (Sec.        Block        Lot       ) which is the premises described in

the foregoing application and that he authorizes:

Nextel Communications, One N. Broadway, White Plains, NY 10601  
(Applicant Name & Address, if different from owner)

Judson K. Siebert, Esq. C/O Keane & Beane, P.C. One N. Broadway  
(Name & Address of Professional Representative of Owner and/or Applicant)  
White Plains, New York 10601

to make the foregoing application as described therein.

**GENERAL PARTNER OF OWNER:**  
**KARTIGANER FAMILY LIMITED PARTNERSHIP**

Date: 14 SEPT 1998

Herbert L. Kartiganer  
Owner's Signature

Linda J. McLean  
Witness' Signature

Royce E. Daniels - Nextel Communication.  
Applicant's Signature if different than owner

\_\_\_\_\_  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

PROJECT I.D. NUMBER

617.2

Appendix C

SEQR

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>NEXTEL OF NEW YORK, INC</u>	2. PROJECT NAME <u>CORNWALL (NY-579)</u>
3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>DEAN HILL ROAD</u> <u>NEW WINDSOR, NY</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>INSTALLATION OF A prefabricated 10'x20' &amp; unmanned equipment shelter adjacent to the existing fenced compound. Expansion of the fenced area is necessary.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>250 SF</u> <u>acres</u> Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>OPEN SPACE RESIDENTIAL (3 ACRES +)</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Forrest J. Warriss for Nextel Communications</u> Date: <u>8/20/98</u>	
Signature: <u>[Signature]</u>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER

1

RECEIVED AUG 20 1998

98 - 29

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
_____	
Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
_____	
Date	

8/19/97

LICENSE SUPPLEMENT

This license supplement ("Supplement") made this 10th day of July 1998 by and between Orange County-Poughkeepsie MSA Limited Partnership, dba Bell Atlantic Mobile having an office at 180 Washington Valley Road, Bedminster, New Jersey 07921, hereinafter referred to as "Licensor" and Nextel of New York, Inc., a Delaware corporation d/b/a Nextel Communications with an office at One North Broadway, White Plains, New York, hereinafter referred to as "Licensee".

This Supplement is a Supplement as referred to in that certain Master License Agreement between Cellco Partnership and Nextel Communications, Inc. dated April 9, 1997 ("Agreement"). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of any contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall prevail. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein. The annexed exhibits form a material part of this Supplement.

1. The Premises to be licensed by the Licensor to the Licensee are more fully described in Exhibit B and are part of the Land which is more fully described in Exhibit A.

2. The number of antennas which the Licensee may place on the Tower is set forth in Exhibit C.

3. The Licensee may be entitled to add zero additional antennas and associated cables to the Tower upon the payment of the additional fee to the Licensor as follows: n/a.

4. The location on the Tower at which the Licensee may place its antennas is described in Exhibit C.

5. The Term and Renewal Terms of this Supplement are as set forth in Paragraphs 3 and 4 of the Agreement unless modified as follows:

This Supplement shall be for an initial term concluding on November 30, 2001 (the Initial Term)

Licensee shall have the option to extend this License for three (3) additional five (5) year periods by giving the Licensor written notice of its intention to do so at least six (6) months prior to the end of the then current term.

6. The License Fee for this Supplement is the annual amount of [REDACTED] ("License Fee") to be paid in equal monthly installments on the first day of the month in advance to Bell Atlantic Mobile, P.O. Box 64498, Baltimore, MD 21264-4498, or to such person, firm or place as the Licensor may, from time to time, designate in writing at least thirty (30) days in advance of any payment date. The License Fees for the Renewal Terms are as set forth in Paragraph 4 of the Agreement. The following site identifier must be included with each payment submitted by Licensee to Licensor: ORP New Windsor.

7. The Tower Work to be performed in accordance with Paragraph 6(e) of the Agreement is set forth in Exhibit D.

8. The Prime Lease affecting the Premises, if any, is attached hereto in Exhibit E.

9. Pursuant to Paragraph 27 of the Agreement, notice addresses for this Supplement are as follows:

(a) If to Licensors  
Bell Atlantic Mobile  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attn: Network Real Estate

(b) If to Licensee  
Nextel of New York, Inc.  
One North Broadway, 2<sup>nd</sup> Floor  
White Plains, NY 10601  
Attn: Property Manager

With a copy to:  
Nextel Communications, Inc.  
1505 Farm Credit Drive  
McLean, Virginia 22102  
Attn: Legal Dept., Contracts Manager

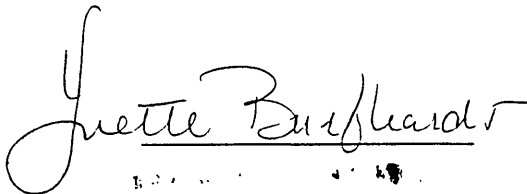
or to such other addresses as Licensors and Licensee may furnish to each other in writing.

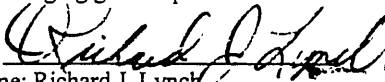
10. Licensee shall extend Licensors' fence to Licensors' specifications to accommodate Licensee's equipment shelter, as shown on Exhibit B, and Licensee shall pay any and all expenses associated therewith.

IN WITNESS WHEREOF, the parties have executed, or caused their properly authorized representatives to duly execute, this Supplement on the date first written above.

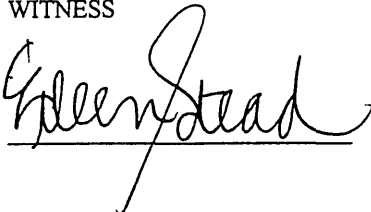
WITNESS:

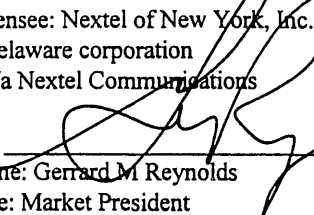
Licensors: Orange County-Poughkeepsie MSA Limited Partnership,  
by NYNEX Mobile Limited Partnership 2,  
its managing general partner,  
by Cellco Partnership,  
its managing general partner  
by Bell Atlantic Mobile, Inc.  
its managing general partner



By:   
Name: Richard J. Lynch  
Title: Executive Vice President  
& Chief Technical Officer  
Tax ID: 22-3391567

WITNESS



Licensee: Nextel of New York, Inc.  
a Delaware corporation  
d/b/a Nextel Communications  
By:   
Name: Gerard M. Reynolds  
Title: Market President  
Tax ID: 22-3130302

  
2/11/98

SECOND LEASE MODIFICATION TO OPTION AND LEASE AGREEMENT  
BETWEEN  
CELLCO PARTNERSHIP  
AND  
KARTIGANER FAMILY LIMITED PARTNERSHIP

This Second Lease Modification to Option and Lease Agreement (hereinafter the "Second Lease Modification") is made this 15th day of June, 1998, between Kartiganer Family Limited Partnership, a Georgia Limited Partnership, by Kartiganer Enterprises, Inc., a Delaware Corporation, its general manager, having a principal mailing address of 3928 Live Oak Boulevard, Delaire Country Club, Delray Beach, Florida 33445 (hereinafter the "Lessor"), and Orange County-Poughkeepsie MSA Limited Partnership, a Delaware Limited Partnership, d/b/a Bell Atlantic Mobile, with a principal mailing address of 180 Washington Valley Road, Bedminster, New Jersey 07921 (hereinafter the "Tenant").

WITNESSETH:

WHEREAS, Lessor is the owner of a certain parcel of land located on Dean Hill Road, Town of New Windsor, Orange County, State of New York, more particularly described as a portion of Tax Map Number 65-1-17 (hereinafter the "Land"); and

WHEREAS, Herbert Kartiganer and Marjorie Kartiganer entered into an Option and Lease Agreement on December 30, 1994, and an Addendum to Option and Lease Agreement on September 29, 1995, and a Lease Modification on November 1, 1996, each with Cellco Partnership, predecessor in interest to Tenant (hereinafter the "Lease Agreement"), regarding a portion of Lessor's Land which is a parcel containing approximately ten thousand (10,000) square feet (hereinafter the "Property"); and

WHEREAS, Kartiganer Family Limited Partnership, a Georgia limited partnership, is the successor in interest to Herbert Kartiganer and Marjorie Kartiganer and by virtue thereof is now Lessor under the Lease Agreement as amended; and

WHEREAS, Orange County-Poughkeepsie MSA Limited Partnership, a Delaware Limited Partnership, is the successor in interest to Cellco Partnership, a Delaware General Partnership, pursuant to that certain Assignment of Option and Lease Agreement dated March 15, 1996 and by virtue thereof is now Tenant under the Lease Agreement as amended; and

WHEREAS, the Lease Agreement commenced on December 1, 1996; and

WHEREAS, Lessor and Tenant desire to amend the Lease Agreement in certain respects,

NOW, THEREFORE, in consideration of the recitals which are incorporated herein and for other good and valuable consideration and intending to be legally bound hereby, Lessor and Tenant agree to the following changes, modifications and additions to the Lease Agreement:

The effective date for this Second Lease Modification is the first (1<sup>st</sup>) day of the month in which said Second Lease Modification has been signed by both parties.

1. Paragraph 6 of the Lease Agreement is hereby amended by deleting the first sentence and inserting the following in its place: "Tenant intends to use the Property for the purpose of constructing, maintaining, and operating wireless communications facilities and uses related and/or incidental thereto including a free standing antenna structure not to exceed 200 feet in height, buildings, structures, equipment and all necessary appurtenances."

2. Paragraph 16 of the Lease Agreement regarding notice is hereby amended as follows:

"Lessor: Herbert L. Kartiganer, President  
Kartiganer Enterprises, Inc., General Manager for  
Kartiganer Family Limited Partnership  
3928 Live Oak Boulevard  
Delray Beach, Florida 33445

"Tenant: Orange County-Poughkeepsie MSA Limited Partnership,  
c/o Bell Atlantic Mobile.  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate

3. Paragraph 25 of the Lease Agreement is hereby deleted entirely and replaced with the following:

"25. ASSIGNMENT AND SUBLETTING. This Lease may be sold, assigned or transferred by Tenant without any approval or consent of Lessor to Tenant's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Lease may not be sold, assigned or transferred without the prior written consent of Lessor, which such consent will not be unreasonably withheld, delayed or conditioned. [Tenant may sublet the Property without the prior written consent of Lessor.]

In the event Tenant subleases the Property or any part of it which is the subject of the Lease to any third party (hereinafter the "Sublessee"), any rental actually paid by any Sublessee(s) shall be divided between Lessor and Tenant in the following manner: twenty-five percent (25%) to Lessor and seventy-five percent (75%) to Tenant. The commencement date and any increases in the annual rental fee will be governed by the underlying sublease between Tenant and Sublessee.. Within thirty (30) days of a monetary default by Sublessee, Tenant shall provide written notice to Lessor of Sublessee's failure to pay rent to Tenant, whereupon Tenant shall pursue all default remedies against Sublessee as provided for in the sublease agreement. The failure of Sublessee to make payment to the Tenant or the Tenant's inability to collect rental payments from the Sublessee shall under no circumstances constitute a default by the Tenant under this Agreement.

Prior to the Commencement Date of any such Sublease, for administrative and accounting purposes, Tenant shall provide Lessor with copies of said Sublease(s) including rental amounts and payments schedules including details of any lump sum rental payments.

Tenant shall have the sole right to determine whether it will sublet any space at the Property which is the subject of the Lease Agreement or whether it will sublet to any specific Sublessee. Tenant shall have no liability of any nature to Lessor for failure to sublet all or any part of the Property to any or all potential Sublessees.

The terms "sublease", "sublet", and "Sublessee" shall apply to any situation by which Tenant brings a third party on the Property which is the subject of the Lease Agreement for co-location at that site, whether it is by a formal sublease, license or other agreement."

4. Paragraph 28 of the Lease Agreement is hereby amended by deleting the word "Property" and inserting the following in its place: "Lessor's Premises".



5. Except as modified herein, all other terms and conditions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Lessor and Tenant have caused this Second Lease Modification to be executed the day and year first above written.

LESSOR: Kartiganer Family Limited Partnership,  
by Kartiganer Enterprises, Inc.,  
its managing general partner

Herbert L. Kartiganer  
by Herbert L. Kartiganer,  
President, Kartiganer Enterprises, Inc.

\_\_\_\_\_  
WITNESS

Tenant: Orange County-Poughkeepsie MSA  
Limited Partnership,  
by NYNEX Mobile Limited Partnership 2,  
its managing general partner,  
by Cellco Partnership, its managing general partner  
by Bell Atlantic Mobile, Inc.,  
its managing general partner

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
by Richard J. Lynch  
Executive Vice President and  
Chief Technical Officer

ACKNOWLEDGEMENT

STATE OF FLORIDA )

COUNTY OF Polk ) ss:

On this 4 day of June, 1998, before me appeared Herbert L. Kartiganer, to me personally known, who, being duly sworn by me, did depose and say that he is the President of Kartiganer Enterprises, Inc., a Delaware Corporation, managing general partner of Kartiganer Family Limited Partnership, a Georgia Limited Partnership, and that said instrument was signed on behalf of said corporation and limited partnership, and that he signed his name by order of the board of directors of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state on the day and year last above written.

Chie R. Munro  
 Notary Public  
 My Commission Expires R. Munro  
 Notary Public, State of Florida  
 Commission No. CC 414438  
 My Commission Expires 12/01/00  
 1-800-3-NOTARY • 1500 Hwy 90 West • Reading, PA 19607

ACKNOWLEDGEMENT

STATE OF NEW JERSEY )

COUNTY OF SOMERSET ) ss: Bedminster

On this 15th day of June, 1998, before me appeared Richard J. Lynch, to me personally known, who, being duly sworn by me, did say that he is Executive Vice President and Chief Technical Officer of Bell Atlantic Mobile, Inc., a corporation which is the managing general partner of Cellico Partnership, a general partnership which is the managing general partner of NYNEX Mobile Limited Partnership 2, a limited partnership which is the managing general partner of Orange County-Poughkeepsie MSA Limited Partnership, a limited partnership, and that said instrument was signed on behalf of said corporation, general partnership and limited partnerships, and said Richard J. Lynch acknowledged that he executed the foregoing instrument as its voluntary act and deed for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state on the day and year last above written.

E. Christopher Longo  
 Notary Public  
 My Commission Expires:

E. CHRISTOPHER LONGO  
 Notary Public, State of NJ  
 My Commission Expires 5/5/2000

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

*PLEASE SEE THE ATTACHED SUB-LEASE AGREEMENT  
BETWEEN BELL ATLANTIC & THE KARTGANER ESTATE*

\_\_\_\_\_, deposes and says that he resides  
(OWNER)

at \_\_\_\_\_ in the County of \_\_\_\_\_  
(OWNER'S ADDRESS)

and State of \_\_\_\_\_ and that he is the owner of property tax map

(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
( Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Applicant's Signature if different than owner

\_\_\_\_\_  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

RECEIVED AUG 20 1998

98 - 29

***TOWN OF NEW WINDSOR PLANNING BOARD***

**SITE PLAN CHECKLIST**

**ITEM**

1. ✓ Site Plan Title
2. ✓ Applicant's Name(s)
3. ✓ Applicant's Address
4. ✓ Site Plan Preparer's Name
5. ✓ Site Plan Preparer's Address
6. ✓ Drawing Date
7. ✓ Revision Dates
8. ✓ Area Map Inset
9. ✓ Site Designation
10. ✓ Properties within 500' of site
11. ✓ Property Owners (Item #10)
12. ✓ Plot Plan
13. ✓ Scale (1" = 50' or lesser)
14. ✓ Metes and Bounds
15. ✓ Zoning Designation
16. ✓ North Arrow
17. ✓ Abutting Property Owners
18. ✓ Existing Building Locations
19. N/A Existing Paved Areas
20. ✓ Existing Vegetation
21. ✓ Existing Access & Egress

**PROPOSED IMPROVEMENTS**

- 22. N/A Landscaping
- 23. ✓ Exterior Lighting
- 24. N/A Screening
- 25. ✓ Access & Egress
- 26. ✓ Parking Areas
- 27. ✓ Loading Areas
- 28. N/A Paving Details (Items 25 - 27)
- 29. N/A Curbing Locations
- 30. N/A Curbing through section
- 31. N/A Catch Basin Locations
- 32. N/A Catch Basin Through Section
- 33. N/A Storm Drainage
- 34. N/A Refuse Storage
- 35. N/A Other Outdoor Storage
- 36. N/A Water Supply
- 37. N/A Sanitary Disposal System
- 38. N/A Fire Hydrants
- 39. ✓ Building Locations
- 40. ✓ Building Setbacks
- 41. ✓ Front Building Elevations
- 42. N/A Divisions of Occupancy
- 43. N/A Sign Details
- 44. ✓ Bulk Table Inset
- 45. ✓ Property Area (Nearest 100 sq. ft.) (ACRES)
- 46. N/A Building Coverage (sq. ft.)
- 47. ✓ Building Coverage (% of total area)
- 48. N/A Pavement Coverage (sq. ft.)
- 49. N/A Pavement Coverage (% of total area)
- 50. N/A Open Space (sq. ft.)
- 51. N/A Open Space (% of total area)
- 52. N/A No. of parking spaces proposed
- 53. 1 No. of parking spaces required

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:**

54. N/A Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55. N/A A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

***PREPARER'S ACKNOWLEDGMENT:***

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: \_\_\_\_\_  
Licensed Professional                      Date